IN THE MATTER OF 🖟 THE APPLICATION OF GEORGE T. GUTTENBERGER, ET UX FOR A ZONING RECLASSIFICATION FROM D.R. 16 TO B.R. AND SPECIAL EXCEPTION: Q OF AND VARIANCES ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF OLD EASTERN AVENUE AND ANN AVENUE

1422 OLD EASTERN AVENUE)

th COUNCILMANIC DISTRICT

15th ELECTION DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS

BALTIMORE COUNTY CASE NO. CR-90-178-XA Item #9, Cycle II, 1989-90

OPINTON

This case comes before this Board on Petition to reclassify a small parcel of D.R. 16 land to B.R. In conjunction with the requested B.R. zone, a special exception to permit a contractor's storage yard is sought. In addition to the reclassification request and the special exception, a number of variances are also sought. The case we heard this day in its entirety.

From the testimony and evidence received this day, the following history of this small site is relevant to the issues before the Board. Since some time prior to 1945, this property has been used commercially, principally as a repair and service garage. There was no evidence presented indicating any residential use. At some time, approximately 10 years ago, the State Highway Administration constructed the first phase of Route 702. The State acquired a portion of the subject site in order to construct the highway and erected a large barrier wall on the property line between its taking and the Petitioner's site. The terminal for 702 at this time ended at Eastern Avenue. The property owner, at this time, was given to believe by the State Highway imministration that, when the extension of 702 was erected, the State would require 10 feet from the Eastern Avenue side of Petitioner's property. At some time in the mid-1980's, the extension of 702 from Eastern Avenue to Back River Neck Road was begun, and negotiations for the taking along the Eastern Avenue side of Petitioner's site $_{
m i}$ were begun. In 1988, condemnation proceedings were instituted, and instead of

Case No. CR-90-178-XA George T. Guttenberger, et ux

- 2. All outside repair work on equipment shall take place only between 8:00 a.m. and 6:00 p.m.
- 3. All lighting fixtures used to illuminate the area shall be used to reflect light away from residential lots and public streets.
- 4. A landscape plan shall be submitted to the Baltimore County Landscape Planner to approve prior to CRG
- 5. Only repairable, usable equipment shall be stored at this site. This is intended to preclude the Petitioner's storage of any junk or trash or discarded parts on this site.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Case No. CR-90-178-XA George T. Guttenberger, et ux

1. 1

10 feet, 35 feet were taken. In addition to the taking of this extra 25 feet, Eastern Avenue was raised approximately 4 feet directly in front of Petitioner! property to provide access to 702. This effectively sealed off any possible access to Petitioner's site from Eastern Avenue. At this same time, Ann Avenue, which is the other adjoining road, was made dead-end at Eastern Avenue; and, Ann Avenue was extended to gain access to Stemmers Run Road. Petitioner's property contains some 4/10 gross acreage but only 2/10 acre can actually be of any use.

Mr. George Guttenberger, property owner, purchased this "Fioperty. 11 year, ago and has used it for the repair of his construction vehicles and the storage of construction equipment. As it presently exists, he cannot even get out of his garage a vehicle that is stored in there and sealed off by the reconfiguration of Eastern Avenue. He testified as to his reasons for the error in the D.R. 16 zoning, the reasons for requesting a B.R. zoning, answered all the requirements in 502 negatively, and discussed at length the variance requests.

Mr. Paul Lee, the Engineer, testified he prepared the plat and the environmental statement, explained the necessity for the variances, and described the nature and character of the site and answered all the requirements of 502 negatively.

Norman Gerber, Planner, testified his reasons why the D.R. 16 zoning is in error and that the proper zoning would be B.R. He specifically noted the unrealistic practicality of any residential use for this site. He testified at length as to its being bounded by two roads and completely encircled by commercial uses. He also answered all the requirements of 502 negatively.

People's Counsel presented as their witness Pat Keller, the Deputy Planning Director, who entered as their exhibit the Director's report. He

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND OP VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR-16 zone to an BR zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, Contractor Equipment Storage Yard

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

See Attached

===

Property is to be posted and advertised as prescribed by The Baltimore County Code. I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore

Contract Purchaser: (Type or Print Name)

Legal Owner(s): George J. Guttenberger Constance H. Guttenberger Constoned Satterty

City and State Attorney for Petitioner:

S. Eric, DiNenna, Esquire

P. O. Box 10508 Towson, MD 21285-0508

S. Eric DiNenna, Esquire P. O. Box 10508 Attorney's Telephone No.: 296-6820

Towson, MD 21285-0508, 296-6820

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Case No. CR-90-178-XA George T. Guttenberger, et ux

testified that in his opinion the D.R. 16 was in error and that the site was not appropriate for residential use and recommended that the B.R. zoning be granted. He also asks that several restrictions be placed upon the special exception associated with the B.R. use. This brief resume is in no way intended to reflect the total testimony from the witnesses but will let the record speak for itself.

In view of all the testimony and evidence received, it is the opinion of this Board that the D.R. 16 zoning on the site is in error. Since this property was never an issue on any of the zoning maps, it appears to be a small site that was never an issue and was therefore never addressed. The use that has apparently always existed on the site is a use that fits into the B.R. classification, and the Petitioner is only requesting that he be allowed to use his site as it r 3 been used for many years. The Board is therefore of the opinion that the B.R. zoning should be granted and that the special exception that conforms to all the requirements of 502 should also be granted.

The area variances that are requested are dimensions that are already in existence from the existing building to the property lines. The area variances do not in any way change what is already there and what has been in existence there for many, many years. If these variances are not granted, the only alternative is to tear down the building and relocate it, and this would create practical difficulty and unreasonable hardship. The variance to permit the driveway and parking areas to be surfaced with crusher run in lieu of the required paving fall into the same general category. The crusher run has been in existence for many, many years, and not only provides a usable surface but provides at least some infiltration over and above that that would be provided by an impervious surface. Since it is crusher run and since the

Case No. CR-90-178-XA George T. Guttenberger, et ux

Board is of the opinion that this variance should be granted, it is unreasonable to require the crusher run be striped. The variance to permit parking 0 feet from the street right-of-way in lieu of the required 10 feet is also "fait accompli.": It is there now and has always been there, and it would be arbitrary on the Board's part to deny its continued use.

ORDER

It is therefore this 11th day of May , 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition to reclassify the property from D.R. 16 to B.R. be and the same is GRANTED;

IT IS FURTHER ORDERED that the special exception to permit the property to be used as a contractor's storage yard under the B.R. zoning regulations be and the same is GRANTED:

IT IS FURTHER ORDERED that the area variances petitioned for to permit a front yard setback of 3 feet in lieu of the required 25 feet, to permit a side yard setback of 17 feet in lieu of the required 30 feet, a rear yard setback of 1.5 feet in lieu of the required 30 feet be and the same are

IT IS FURTHER ORDERED that the variance to permit storage of vehicles, materials and equipment within 3 feet of the front property line in lieu of the required 10 feet be and the same is GRANTED; that the variance to allow the parking and driveways to be surfaced with crusher run in lieu of the required paving and to permit this crusher run not to be striped be and the same is GRANTED; and that the variance to permit parking O feet from the street right-of-way in lieu of the required 10 feet be and the same is GRANTED.

The above grantings are subject to the following restrictions:

1. The fence along the north side of the property should be replaced as approved by the Director of the Office of Planning & Zoning.

1. Section 238.1, 238.2, 238.3, and 238.4 of the Zoning Regulations to permit a front yard setback of in lieu of the required 25', a variance of 22'; a side yard setback of 17' in lieu of required 30', a variance of 13'; and a rear yard setback of 1.5' in lieu of required 30', a variance of 28.5'.

2. Section 409.8A.2 of the Zoning Regulation to allow the driveway and parking areas not to be paved or macadamed but to crusher run surface.

3. Section 409.8A.6 of the Zoning Regulation painting parking area strips.

4. Section 409.8A.4 of the Zoning Regulation to permit a 0' setback for parking space from existing road R/W in lieu of required 10', a Variance of 10'.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive

THE JEFFERSONIAN.

5. Zehe Oliman

PO 103649 reg M38199 CR-90-178-XA

Paul Leo Engineering Inc. 308 W. Ponnsylvania Ava. Touson, Maryland 21204 301-821-5956

Paul La P.E.

DESCRIPTION

#1422 OLD EASTERN AVENUE FIFTEENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the north side of Old Eastern Avenue at the intersection with the west side of Ann Avenue, said point also being located Northerly 40 feet + from the center of Old Eastern Avenue; thence binding on the west side of Ann Avenue (1) N 12°57'40" W 154.48 feet, thence leaving said west side of Ann Avenue, (2) S 73002'20" W 78.40 feet to the east right of way line of Maryland Route 702 Extended, thence binding on the east side of Maryland Route 702 Extended the two following courses and distances: (3) S 28°28'20" E 129.00 feet, and (4) S 17031'40" E 42.50 feet to the north side of Old Eastern Avenue; thence binding on the HOLD side of Old Eastern Amenue, (5) N 73⁰02'28" E 21.60 feet to the roint of beginning. Containing J.21 acres of land, more or less.



crusher run store in teu of the re-quired paving; Section 409.8.A.6, to permit all parting not to be striped; and section 409.8.A.4 to permit parting 0 feet from the street right of way in teu of the re-quired 10 feet.

NOTICE OF HEARING

Petition for Zoning
Reclassification
Case number:
CR-90-178-XA
NW/Corner Old Eastern Avenue
and Ann Avenue
15th Election District
5th Councilmanic
Legal Owner(s):
George J. Guttenberger,
et ux

DESCRIPTION

#1422 OLD EASTERN AVENUE FIFTEENTH ELECTION DISTRICT BALTIMORE COUNTY, MD

Beginning for the same at a point coated on the north side of Old castern Avenue at the intersection with the west side of Ann Avenue.

nue, said point also being to-ated Northerty 40 test + 1- from ne center of Old Eastern Ave-

ue; thence binding on the wes ide of Ann Avenue (1) N 12" 57 0" W 154.48 feet, thence leav

ng said west side of Ann Avenue, 2) S 73"02"20" W 78.40 feet, to

he east right of way line of Mar and Route 702 Extended, then

xinding on the east side of Mary and Route 702 Extended the tw

ollowing courses and distances: 3) \$ 28°28'20" E 129.00 feet, and (4) \$ 17°31'40" E 42.5 feet to

the north side of Old Eastern Ave-nue; therice binding on the north side of Old Eastern Avenue, (5) N 73702'28" E 21.60 feet to the

point of beginning.
Containing 0.21 acres of land,
more or less.

Petition to reclassify the property from and D.R. 16 to an B.R.

to permit a front yard setback of 3 teet in lieu of the required 25 feet; Section 236.2, to permit a side yard setback of 17 feet in lieu of the required 30 feet and rear

yard setback of 1.5 feet in lieu of the required 30 feet; Section 238.3 (see Section 409 variances) and 238.4, to permit storage of vehicles, meterials or equipment within 3 feet of the front property line in Seu of the required, 10 feet. Also Section 400 h 2 to allow resident services.

09.8.4.2, to allow parking and investory to be surfaced with

Jem 9, Cycle II

IN THE MATTER OF THE PETITION OF GEORGE J. GUTTENBERGER, PETITION FOR RECLASSIFICATON

BEFORE THE BOARD OF APPEALS

* BALTIMORE COUNTY

NOW COMES George J. Guttenberger, e ux., by S. Eric DiNenna, DiNenna, Mann & Breschi, their attorneys, in support of the Reclassification Petition filed herein, says:

- 1. That said property is presently classified DR-16 as a result of the Comprehensive Zoning Map adopted in 1988;
- 2. That because of the widening of Old Eastern Avenue in front of the subject property for access of Route 702 extension onto Old Eastern Avenue, the subject property has been denied access to Old Eastern Avenue;
- 3. That the property is erroneously zoned in that all properties surrounding the subject property are classified in a commercial zone and said property is sandwiched between Route 702 and commercially zoned and used property:
- 4. That the subject property presently is nonconforming; and for such other and further reasons to be presented at time of hearing.

DINENNA, MANN & BRESCHI P.O. Box 10508 Towson, Macyland 21285-0508 (301) 296-6820

NOTICE OF HEARING

Petition for Zoning Reclassification Case Number: CR-90-178-XA NW/Corner Old Eastern Avenue and Ann Avenue 15th Election District - 5th Councilmanic

Legal Owner(s): George J. Guttenberger, et ux

Petition to reclassify the property from an D.R.-16 to an B.R. zone.

Special Exception for contractor equipment storage yard.

Variances to Section 238.1, to permit a front yard setback of 3 feet in lieu of the required 25 feet; Section 238.2, to permit a side yard setback of 17 feet in lieu of the required 30 feet and rear yard setback of 1.5 feet in lieu of the required 30 feet; Section 238.3 (see Section 409 Variances) and 238.4, to permit storage of vehicles materials or equipment within 3 feet of the front property line inlieu of the required 10 feet. Also Section 409.8.A.2, to allow parking and driveways to be surfaced with crusher run stone in lieu of the required paving; Section 409.8.A.6, to permit all parking not to be striped; and Section 409.8.8.4 to permit parking 0 feet from the street right-of-way in lieu of the required 10 feet.

County Office Building

111 W. Chesepeake Avenue Towson, Maryland 21204

> WILLIAM T. HACKETT, CHAIRMAN County Board of Appeals

cc: S. Eric DiNenna, Esq. George J. Guttenberger, et ux

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE HUST BE PAID AND THE SIGN AND POST RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

George J. Guttenberger

318 M. Marlyn Avenue

Baltimore, Maryland 21221

Re: Petitions for Zoning Re-classification, Special Exception, and Zoning $^{\it V}$ lance CASE NUMBER: CR-90-178-XA NW/Corner Old Eastern Avenue and Ann Avenue 15th Election District -5th Councilmanic Legal Owner(s): George J. Guttenberger, et ux

Hearing Scheduled: Wednesday, May 2, 1990 at 10:00 a.u.

Dear Petitioner(s):

This is to advise you that \$.706.65 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204,

cc: S. Eric DiNenna, Esq.

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS FROM D.R. 16 TO B.R ZCNE OF BALTIMORE COUNTY PETITION FOR SPECIAL EXCEPTION : PETITION FOR VARIANCE

NW Corner Old Eastern Ave. & Ann Ave. (1422 Old Eastern Ave.) 15th Election District 5th Councilmanic District

final Order.

GEORGE J. GUTTENBERGER, et ux, Zoning Case No. CR-90-178-XA Petitioners

> ::::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel
Room 304, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 (301) 887-2188

I HEREBY CERTIFY that on this 17th day of October, 1989, a copy of the foregoing Entry of Appearance was mailed to S. Eric DiNenna, Esquire, P. O. Box 10508, Towson, Maryland 21285-0508, Attorney for Petitioner.

COUNTY BOARS OF APPEALS

Peter Max Zimmerman 89 OCT 17 PAIS: 03

NOTICE OF HEARING

P

Petition for Zoning Reclassification Case Number: CR-90-178-XA NM/Corner Old Eastern Avenue and Ann Avenue 15th Election District - 5th Councilmanic Legal Owner(s): George J. Guttenberger, et ux

Petition to reclassify the property from an D.R.-16 to an B.R. zone.

Special Exception for contractor equipment storage yard.

Variances to Section 238.1, to permit a front yard setback of 3 feet in lieu of the required 25 feet; Section 238.2, to permit a side yard setback of 17 feet in lieu of the required 30 feet and rear yard setback of 1.5 feet in lieu of the required 30 feet; Section 238.3 (see Section 409 Variances) and 238.4, to permit storage of vehicles, materials or equipment within 3 feet of the front property line inlieu of the required 10 feet. Also Section 409.8.1.2, to a low parking and driveways to be surfaced with crusher run stone in lieu of the required paving; Section 409.8.1.6, to permit all parking not to be striped; and Section 409.8.2.4 to permit parking 0 feet from the street right-of-way in lieu of the required 10 feet.

County Office Building

WILLIAM T. HACKETT, CHAIRMAN County Board of Appeals

111 W. Chesepeake Avenue Towson, Maryland 21204

George J. Guttenberger, et ux

CERTI CATE OF PUBLICATION

Pikesville, Md., Nov 5 19 80 THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 7th day of

the first publication appearing on the 9th day of 71cv ,1989

the second publication appearing on the ____day of ________,19__________ the third publication appearing on the ___day of _____,19___

THE NORTHWEST STAR

Cost of Advertisement 8 400 -

CO# 0018440

ZONING DEPARTMENT OF BALTIMORE COUNTY

District 15Th

Posted for: Pocks, Fug tion - Special Exception - Voy 10 mc.

Petitioner: George F. Gatlow berger, of y'

Location of property: NW/CUX DISEONORY Hrs. + A-171 Hry.

Baltimore County Office of Planning & Zoning County Courts Building, Suite 406 401 Bosley Avenue Towson, Maryland 21204 (301) 887-3211 P. David Fields

S. Eric DiNenna, Esquire Post Office box 10508

Towson, MD 21285-0508

October 20, 1989



Dear Mr. DiNenna: At its regular monthly meeting yesterday, the Baltimore County Planning Board voted, in accordance with Section 2-58.1(i) of the County Code, to deny the request for certification that early action on the Petition for zoning reclassification of the Guttenberger property (R-90-177) is manifestly required because of emergency.

The Petition, therefore, automatically remains one of the items to be considered during the current (October-April) Zoning Cycle (Cycle II, Item 9).

Sincerely,

P. David Fields, Secretary to the Planning Board

cc: William T. Hackett, Chairman, Board of Appeals
J. Robert Haines, Zoning Commissioner
Phyllis Cole Friedman, People's Counsel

89 OCT 27 PH 1: 32

Bureau of Traffic Engineering

October 27, 1989



Mr. William Hackett Chairman, Board of Appeals County Office Building

Towson, MD 21204 Zoning Reclassification Cycle II

(Item No. 9) Property Owner: Case No./Hearing Date: Location: Existing Zoning:

Election District: Councilmanic District: Acres: Proposed Zoning:

George J. Guttenberger, et ux

C.R.-90-178XA; May 2, 1990 NW/cor. Old Eastern Ave. & Ann Ave. D.R. 16 15th

0.21
B.R. & Special Exception for contractor equipment storage yard and variances to the front yard, side yard, rear yard set backs; permit to store vehicles, materials, or equipment within 3 ft. of front property

Oct. 1989 to April 1990

Dear Mr. Hackett:

MSF/efm

This site is too small to be a major traffic generator.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500

Paul H. Reincke

OCTOBER 13, 1989

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Offi a Building Towson, MD 21204

Dennis F. Rasmussen
County Executive

GEORGE J. GUTTENBERGER RE: Property Owner: 1422 OLD EASTERN AVENUE

Location: CR-90-178XA Item No.:

Zoning Agenda: OCTOBER, 1989-APRIL, 1990 EASTERN SECTOR

Gertlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Approved Approved Fire Prevention Burgay Planning Group Special Inspection Division

JK/KEK

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

OCTOME 23, 1369



George J. Guttenberger 318 M. Marlyn Aveous Baltimore, Earyland 21221

Re: Petitions for Zoning Re-classification, Special Exception, and Zoning Variance CASE MINGER: CR-90-178-IA NM/Corner Old Eastern Avenue and Ann Avenue 15th Election District -5th Councilmanic Legal Owner(s): George J. Guttenberger, et ux

Hearing Scheduled: Hednesday, May 2, 1990 at 10:00 a.m.

This is to advise you that \$ 706.6% is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. 6. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Haryland 21204, before the hearing.

J. Robert Haines

NOTICE OF HEARING

Petition for Zoning Reclassification Case Number: CR-90-178-XA NW/Corner Old Eastern Avenue and Ann Avenue 15th Election District - 5th Councilmanic Legal Owner(s): George J. Guttenberger, et ux

Petition to reclassify the property from an D.R.-16 to an B.R. zone.

Special Exception for contractor equipment storage yard.

Variances to Section 238.1, to permit a front yard setback of 3 feet in lieu of the required 25 feet; Section 238.2, to permit a side yard setback of 17 feet in lieu of the required 30 feet and rear yard setback of 1.5 feet in lieu of the required 30 feet; Section 238.3 (see Section 409 Variances) and 238.4, to permit storage of vehicles, materials or equipment within 3 feet of the front property line inlieu of the required 10 feet. Also Section 409.8.A.2, to allow parking and driveways to be surfaced with crusher run stone in lieu of the required paving; Section 409.8.8.6, to permit all parking not to be striped; and Section 409.8.A.4 to permit parking 0 feet from the street right-of-way in lieu of the required 10 feet.

County Office Building 111 W. Chesepeake Avenue Towson, Maryland 21204

> WILLIAM T. HACKETT, CHATRMAN County Board of Appeals

George J. Guttenberger, et ux

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONIEG OFFICE FOR ADVERTISING AND POSTING COSTS WITH RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST URNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.

LBM-CNS.

I appreciate the pressures upon your office and the busy schedule your office has, but I wish to make this record clear. If you have any questions concerning same, do not hesitate to call

Very truly yours,

S. ERIC DINENNA

SED:cjc cc: J. Robert Haines. Zoning Commissioner County Board of Appeals Mr. Geoge Guttenberger Mr. Norman Gerber

DINENNA, MANN & BRESCHI ATTORNEYS AT LAW

P.O. BOX 10508 TOWSON, MARYLAND 21285-0508

SUITE 600 MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

upon me.

April 17, 1990

(301) 296-6820 TELEFAX (301) 296-6884

J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

ATTN: James E. Dyer, Chairman Zoning Plans Advisory Committee

RE: Item No. 9 Case No.: R90-178 Petitioner: Guttenberger Reclassification Petition

Dear Mr. Dyer:

S. ERIC DINENNA, P.A.

JAMES L. MANN, JR., P.A.

GEORGE A. BRESCHI, P.A.

GERALDINE A. KLAUBER

FRANCIS X. BORGERDING, JR.

I am in receipt of the April 9, 1990 comments of the Zoning Plans Advisory Committee.

I refer to your letter dated April 9, 1990 to me indicating that if "it has been suggested that the Petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the Zoning Regulations and/or commenting agencies standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1990. You further suggest "in the event that any requested amendments are not received prior to this date, the Petition will be advertised as originally submitted."

In all due respect, you and your office and the fine job that your office maintains, it appears impossible for me to receive this comment on April 9, 1990, and respond prior to October 26, 1989.

I only write this letter to you in order to protect my client's interest concerning his request. I might state that pursuant to your letter of April 9, 1990, you stated "in view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature." This is to further advise you that this Petition was submitted pursuant to Title 22 and the documented site plan requirements.

84:11MA E1 99409

Item 9. Cycle II

From the Office of PAUL LEE ENGINEERING, INC. 304 W. PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204

ENVIRONMENTAL IMPACT STATEMENT SERVICE GARAGE AND STORAGE YARD 1422 OLD EASTERN AVENUE BALTIMORE COUNTY, MARYLAND



- 1. Net area of site -- 0.21 Ac.+
- Existing coverage
 - a. Buildings .046 Ac.+
 - b. Drives and parking areas and walks -- .132 Ac.+
 - c. Vegetative cover -- 0.032 Ac.+
 - d. Impervious Area -- 85%
- 3. Proposed coverage
 - a. Buildings 0.072 Ac.+
 - b. Drives and parking areas -- 0.090 Ac.+
 - c. Vegetative cover 0.048 Ac.+
 - d. Impervious Area -- 77%
- 4. The soil c this site is loamy and clayey land (LyB) 0 to 5 per cent slopes. The hazard of further erosion due to building and parking areas is severe. Soil erosion should be mitigated by using extraordinary sediment control measures such as double silt fences and prompt stabilization of disturbed areas.

This site lies in an already developed area and drains directly to existing street curb and gutter and existing storm drain systems. Further, the proposed impervious area is less than the existing which would tend to lessen the impact of surface water on the existing storm drain systems.

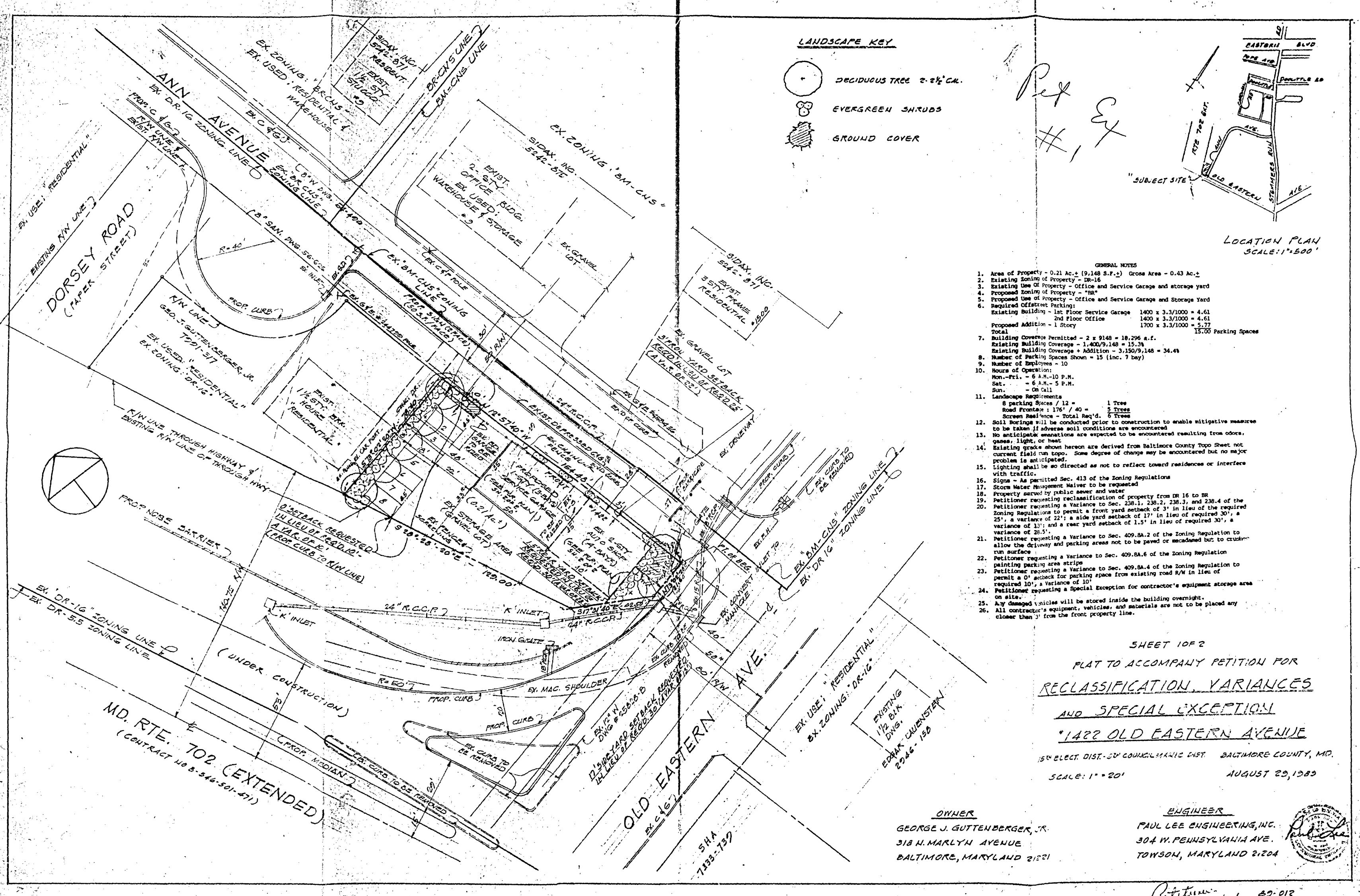
To help in achieving water quality, the incorporation of Best Management Practices such as planting of vegetation as soon as possible after final grading, cleaning dirt and debris accumulating on private roads and parking lots as follows (May through October, concurrent with grass mowing; November through April, monthly), snow removal by mechanical means except in severe snow or ice conditic: 3, when deicing compounds can be used, application of (fertilizer, herbicides and pesticides) as recommended by the University of Maryland Cooperative Extension Service and the use of grass lined swales will provide protection for the receiving waters ecosystem.

No adverse effects can be seen as having any long range significance if the recommendations contained herein are followed. The application of the Best Management Practices should be cost effective in that they can be incurred during normal site maintenance operations.

Short term effects are more significant in that noise levels from construction equipment such as bulldozers (76 to 96 dB @ 50 feet), trenchers (72 to 93 dB @ 50 feet) etc. are used during normal construction activities. Permissible workplace noise exposures per OSHA ranges at (8 hour duration @ 90 dB) to progressively shorter periods such as (6 hours @ 92 dB), (4 hours @ 95), (3 hours @ 97), and (2 hours @ 100) to the impact level of 140 dB. To reduce impact, all equipment should be maintained to the manufacturers specifications including mufflers or other noise reducing devices. The only sound emanations from the proposed development contributing to the noise in the vicinity would be from the additional traffic generated. Light auto traffic noise is approximately 50 to 55 decibels. The anticipated traffic generated by the proposed use is approximated at less than 100 trips per day, which will produce minimal noise levels.

Site grading creates sediment problems that can be reduced by implementing a sediment control plan which is reviewed and inspected by Baltimore County and Soil Conservation Service. Dust can be controlled by such methods as wetting and the Division of Air Pollution Control should be contacted for guidance. Asbestos may be encountered in older buildings. Prior to construction of additions to the existing structure the Baltimore County, Health, Department Environmental Service Department should be contacted to inspect the existing building and provide guidelines for its disposal if encountered.

It is our opinion that the environmental impact will be negligible if the above mentioned Best Management Practices are used during the construction of the proposed expansion and maintenance of the facilities.



Pitition # 1 80.012

